IN THE HIGH COURT OF JUDICATURE AT JABALPUR (M.P.).

WRIT PETITION NO. 210 / OF 1998

(Under Article 226/227 of the Constitution of India)

1)PRABHAKAR BAKSHI
AGED ABOUT 60 YEARS,
S/O LATE SHRI H.L.BAKSHI
OCCU:RETD.TEACHER,MUNICIPAL
CORPORATION RAJNANDGAON (M.P.).

2)BALAJI RAO?AGED ABOUT 61
YEARS,S/O LATE SHRI R.B.DARVEKAR
R/O HATHITHANPARA,WARD NO.35
RAJNANDGAON

3)GIRDHARI SINGH THAKUR
AGED ABOUT 60 YEARS,S/O
LATE SHRI J.S.THAKUR
OCCU:RETD.VACCINATOR,
R/O JAMATPARA,WARD NO.22
RAJNANDGAON(M.P.). .....PETITIONERS

-Versus-

1)STATE OF MADHYA PRADESH
THROUGH : SECRETARY
LOCAL SELF GOVERNMENT(URBAN)
VALLABH BHAWAN,BHOPAL(M.P.).

2)COMMISSIONER
MUNICIPAL CORPORATION,
RAJNANDGAON(M.P.).

3)DIRECTOR AND CONTROLLER(PENSION)
SANCHANALYA NAGAR PRASHASHAN
PALIKA BHAWAN,SHIVAJI NAGAR
BHOPAL(M.P.). .....RESPONDENTS

DETAILS OF PETITION

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 2101 OF 1998

Petitioners : Prabhakar Bakshi and Others.

Versus

Respondents : State of M.P. & Others.

Shri V.K. Sharma, counsel for the petitioners.

Shri Arvind Dubey, Panel lawyer for the respondents No.1 and 3.

ORAL ORDER

(24th July, 2006)

1. The petitioners retired from service and they were not paid pensionery benefits in time. The petitioners filed petitions being W.P. No. 4424/1996, W.P. No. 4422/1996 and W.P. No. 4425/1996 before the High Court of Judicature at Jabalpur, respectively.

2. The Hon'ble High Court of Madhya Pradesh by order dated 14.3.1997 on the basis of admission made by the learned counsel appearing for the respondent/Municipal Corporation, Rajnandgaon and the Commissioner, Municipal Corporation, Rajnandgaon, that their retiral dues would be paid within two months, from the date of order dated 14.3.1997 disposed of the petition with liberty to assail again, if the petitioner was not satisfied with the decision of the Corporation.

3. It is admitted by the petitioners that the pensionery benefits have been paid but interest due on the late

payment of pensionery benefits were not given to the petitioners, in accordance with General Provident Fund Rules.

4. The respondent No.2/Commissioner Municipal Corporation, Rajnandgaon, in his reply dated 5.3.1999 has stated that the respondent No.2/Corporation has already paid 12 % interest on the G.P.F. amount payable to the petitioners No.1 and 2. Since there was no order in case of the petitioner No.3 the interest @ 5 % on G.P.F. amount was paid to him. The respondent No.2/Corporation admits payment of 12 % interest on the G.P.F. amount to the petitioners No.1 and 2 and 5 % interest on the G.P.F. amount to petitioner No.3. According to the respondent No.2 G.P.F. has already been paid.

5. It is further stated in the affidavit that this was not the responsibility of the respondent No.2/Corporation to pay 12% interest on the pensionery amount and gratuity, but it is the responsibility and liability of the State Government. The State Government in its reply has put the entire responsibility on the respondent No.2. Be that as it may, since admittedly the petitioners No.1 and 2 have been paid 12 % interest on G.P.F. amount the same interest be paid to the petitioner No.3 also who is similarly situated.

6. The respondents are directed to ensure that the interest @ 12 % paid to the petitioners No.1 and 2 be ~~also~~ paid to the petitioner No.3 also in accordance with law. This liability will be

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combined liability of the respondents in accordance with law.

7. For the reasons stated above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge